

110TH CONGRESS
2D SESSION

H. R. 5130

To provide for the payment of interest on claims paid by the United States in connection with the correction of military records when a military corrections board sets aside a conviction by court-martial.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 23, 2008

Mr. McDERMOTT introduced the following bill; which was referred to the Committee on Armed Services

A BILL

To provide for the payment of interest on claims paid by the United States in connection with the correction of military records when a military corrections board sets aside a conviction by court-martial.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. INTEREST PAYMENTS ON CERTAIN CLAIMS**
4 **ARISING FROM CORRECTION OF MILITARY**
5 **RECORDS.**

6 (a) INTEREST PAYABLE ON CLAIMS.—Subsection (c)
7 of section 1552 of title 10, United States Code, is amend-
8 ed by adding at the end the following new paragraph:

1 “(4) If the correction of military records under this
 2 section involves setting aside a conviction by court-martial,
 3 the payment of a claim under this subsection in connection
 4 with the correction of the records shall include interest
 5 at not less than the rate of interest in effect under section
 6 1035 of this title at the time the payment is made. The
 7 interest shall be calculated on an annual basis, and com-
 8 pounded, using the amount of the lost pay, allowances,
 9 compensation, emoluments, or other pecuniary benefits in-
 10 volved, and the amount of any fine or forfeiture paid, be-
 11 ginning from the date of the conviction through the date
 12 on which the payment is made.”.

13 (b) CONFORMING AMENDMENT REGARDING CORREC-
 14 TIONS BOARD AUTHORITY TO OVERTURN CONVIC-
 15 TIONS.—Subsection (f) of such section is amended by in-
 16 serting “convened after May 4, 1950, and” after “court-
 17 martial cases”.

18 (c) CLERICAL AMENDMENTS.—Subsection (c) of such
 19 section is further amended—

20 (1) by redesignating paragraphs (1), (2), and
 21 (3) as subparagraphs (A), (B), and (C), respectively;

22 (2) by inserting “(1)” after “(c)”;

23 (3) by striking “If the claimant” and inserting
 24 the following:

25 “(2) If the claimant”; and

1 (4) by striking “A claimant’s acceptance” and
2 inserting the following:

3 “(3) A claimant’s acceptance”.

4 (d) RETROACTIVE EFFECTIVENESS OF AMEND-
5 MENTS.—The amendment made by subsection (a) shall
6 apply with respect to any sentence of a court-martial set
7 aside by a Corrections Board on or after October 1, 2007,
8 when the Corrections Board includes an order or rec-
9 ommendation for the payment of a claim for the loss of
10 pay, allowances, compensation, emoluments, or other pe-
11 cuniary benefits, or for the repayment of a fine or for-
12 feiture, that arose as a result of the conviction. In this
13 subsection, the term “Corrections Board” has the mean-
14 ing given that term in section 1557 of title 10, United
15 States Code.

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